

1 KAMALA D. HARRIS  
Attorney General of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 DESIREE I. KELLOGG  
Deputy Attorney General  
4 State Bar No. 126461  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2996  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2012-475**

12 **RENEE SUZANNE NESBITT,**  
13 **AKA RENEE SUZANNE D'ARRIGO,**  
14 **AKA RENEE SUZANNE DOAN**  
P.O. Box 1614  
15 Idyllwild, CA 92549

**FIRST AMENDED ACCUSATION**

16 **Registered Nurse License No. 548628**

17 **Respondent.**

18  
19 **Complainant alleges:**

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this First Amended Accusation  
22 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,  
23 Department of Consumer Affairs.

24 2. On or about October 7, 1998, the Board of Registered Nursing issued Registered  
25 Nurse License Number 548628 to Renee Suzanne Nesbitt, aka Renee Suzanne D'Arrigo, aka  
26 Renee Suzanne Doan (Respondent). The Registered Nurse License was in full force and effect at  
27  
28

1 all times relevant to the charges brought herein and will expire on February 28, 2014, unless  
2 renewed.

### 3 JURISDICTION

4 3. This First Amended Accusation is brought before the Board of Registered Nursing  
5 (Board), Department of Consumer Affairs, under the authority of the following laws. All section  
6 references are to the Business and Professions Code unless otherwise indicated.

7 4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent  
8 part, that the Board may discipline any licensee, including a licensee holding a temporary or an  
9 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the  
10 Nursing Practice Act.

11 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license  
12 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the  
13 licensee or to render a decision imposing discipline on the license.

14 6. Section 2811(b) of the Code provides, in pertinent part, that the Board may renew an  
15 expired license at any time within eight years after the expiration.

### 16 STATUTORY AND REGULATORY PROVISIONS

17 7. Section 820 of the Code states:

18 Whenever it appears that any person holding a license, certificate or permit  
19 under this division or under any initiative act referred to in this division may be  
20 unable to practice his or her profession safely because the licentiate's ability to  
21 practice is impaired due to mental illness, or physical illness affecting competency,  
22 the licensing agency may order the licentiate to be examined by one or more  
23 physicians and surgeons or psychologists designated by the agency. The report of  
24 the examiners shall be made available to the licentiate and may be received as  
25 direct evidence in proceedings conducted pursuant to Section 822.

26 8. Section 822 of the Code states:

27 If a licensing agency determines that its licentiate's ability to practice his or  
28 her profession safely is impaired because the licentiate is mentally ill, or physically  
ill affecting competency, the licensing agency may take action by any one of the  
following methods:

(a) Revoking the licentiate's certificate or license.

(b) Suspending the licentiate's right to practice.

1 (c) Placing the licentiate on probation.

2 (d) Taking such other action in relation to the licentiate as the licensing  
3 agency in its discretion deems proper.

4 The licensing agency shall not reinstate a revoked or suspended certificate  
5 or license until it has received competent evidence of the absence or control of the  
6 condition which caused its action and until it is satisfied that with due regard for  
7 the public health and safety the person's right to practice his or her profession may  
8 be safely reinstated.

9 9. Section 2761 of the Code states:

10 The board may take disciplinary action against a certified or licensed nurse  
11 or deny an application for a certificate or license for any of the following:

12 (a) Unprofessional conduct...

13 10. Title 16, California Code of Regulations, section 1444 states:

14 A conviction or act shall be considered to be substantially related to the  
15 qualifications, functions or duties of a registered nurse if to a substantial degree it  
16 evidences the present or potential unfitness of a registered nurse to practice in a  
17 manner consistent with the public health, safety, or welfare. Such convictions or acts  
18 shall include but not be limited to the following:

19 (a) Assaultive or abusive conduct including, but not limited to, those  
20 violations listed in subdivision (d) of Penal Code section 11160.

21 (b) Failure to comply with any mandatory reporting requirements.

22 (c) Theft, dishonesty, fraud, or deceit.

23 (d) Any conviction or act subject to an order of registration pursuant  
24 to Section 290 of the Penal Code.

## 25 COST RECOVERY

26 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
27 administrative law judge to direct a licentiate found to have committed a violation or violations of  
28 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
enforcement of the case.

## FACTUAL ALLEGATIONS

12. While practicing as a registered nurse at a company in its employee health unit, Respondent had an altercation with a co-worker, telling her that "I'll dance on your grave." The co-worker filed charges against her.

13. While employed as a hospice nurse, Respondent revealed confidential information about her patients to others and made inappropriate statements such as expressing hope that certain patients died because she did not "feel like doing an admission."

14. While employed as a registered nurse at Soledad Prison dispensing medication at the "Medication Window," she befriended a male inmate and began corresponding with him. When he was released, she consented to have him live with her and her boyfriend. Respondent admitted that she engaged in a sexual relationship with the former inmate and bought him a truck.

15. In 2010, stolen items were found in Respondent's home. Respondent admitted that she had stolen them from her elderly, disabled friend and employer and the daughter of that friend. When Respondent was confronted by her elderly, disabled friend and her daughter, she became enraged and verbal altercations ensued. Respondent verbally threatened them, and she threatened the elderly friend's daughter by driving by her house and yelling obscenities. They became so afraid that they hired an attorney and made efforts to file a restraining order against Respondent. Ultimately, as part of a settlement, Respondent agreed to the imposition of a civil harassment temporary restraining order against her requiring her to "stay away" from the victims for six months, effective September 2010.

16. On February 22, 2012, the Board issued an Order requiring Respondent to submit to a mental examination to determine whether she was impaired due to a mental condition affecting competency. Thereafter on May 10, 2012 and pursuant to the Board's Order, Respondent submitted to a psychological evaluation by a psychologist board certified in clinical psychology.

17. The psychologist diagnosed Respondent as evidencing the central traits of an Antisocial Personality Disorder, including deceitfulness, a reckless disregard for the safety of self or others and a lack of remorse. The psychologist further opined that Respondent is a risk to the public in that Respondent could be expected to "take advantage of patients from the perspective

1 of violating rules, stealing from them, or otherwise taking advantage of them." He opined that  
2 Respondent is not safe to practice as a licensed registered nurse.

3 18. On August 5, 2012, Respondent argued orally with her daughter. She pushed her  
4 daughter down a set of stairs, pulled her daughter's hair while screaming that she would kill her,  
5 punched her daughter 15-20 times on her daughter's head, back and chest using clinched fists and  
6 tore her daughter's shirt. Respondent also walked towards her daughter with a butcher knife  
7 telling her daughter again that she was "going to [expletive] kill her." Respondent's daughter  
8 then locked herself in a bedroom. Respondent's daughter contacted the Riverside County  
9 Sheriff's Department. Respondent's daughter told the dispatcher that she was locked in a  
10 bedroom and that Respondent was armed with a butcher knife and kicking the door of the  
11 bedroom. Deputies were then dispatched to investigate the situation. A deputy spoke with  
12 Respondent via telephone and Respondent told the deputy that she would not meet him because  
13 she had plans that were not going to be ruined by going to jail. She eventually met with a deputy  
14 and told him that she was arguing with her daughter because her granddaughter did not return  
15 construction paper in its proper place. The deputy subsequently arrested Respondent.

16 **FIRST CAUSE FOR DISCIPLINE**

17 **(Unfit to Practice)**

18 19. Respondent is subject to disciplinary action under Section 822 of the Code, in that  
19 Respondent's ability to practice nursing safely is impaired due to her suffering from the traits of  
20 an Antisocial Personality Disorder and she presents a risk to the public's safety, as set forth in  
21 paragraphs 12 through 18, above, which are incorporated herein by reference.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Unprofessional Conduct)**

24 20. Respondent is subject to disciplinary action under Code section 2761(a), within the  
25 meaning of title 16, California Code of Regulations section 1444, in that she engaged in  
26 unprofessional conduct, including stealing and disclosing confidential information about patients  
27 to third parties as set forth in paragraphs 12 through 18, above, which are incorporated herein by  
28 reference.

1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
3 and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number 548628, issued to Renee  
5 Suzanne Nesbitt, aka Renee Suzanne D'Arrigo, aka Renee Suzanne Doan;

6 2. Ordering Renee Suzanne Nesbitt, aka Renee Suzanne D'Arrigo, aka Renee Suzanne  
7 Doan to pay the Board of Registered Nursing the reasonable costs of the investigation and  
8 enforcement of this case, pursuant to Business and Professions Code section 125.3;

9 3. Taking such other and further action as deemed necessary and proper.  
10  
11

12 DATED: OCTOBER 26, 2012

13 *for* LOUISE R. BAILEY, M.Ed., RN  
14 Executive Officer  
15 Board of Registered Nursing  
16 Department of Consumer Affairs  
17 State of California  
18 Complainant  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

SD2012703545  
70576957.doc